

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

CORDELL MCKINLEY,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

MOSMAN, J.,

No. 3:16-cv-00826-JE

OPINION AND ORDER

On April 12, 2017, Magistrate Judge John Jelderks issued his Findings and Recommendation (“F&R”) [9], recommending that Plaintiff’s case should be dismissed for want of prosecution. Plaintiff failed object to the F&R.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See*

Thomas v. Arn, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon careful review, I agree with Judge Jelderks's recommendation and ADOPT the F&R [9] as my own opinion. Plaintiff's case is DISMISSED without prejudice for want of prosecution.

IT IS SO ORDERED.

DATED this 9th day of May, 2017.

/s/ Michael W. Mosman

MICHAEL W. MOSMAN
Chief United States District Judge